



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1800 OF 2023

Arbaz Mohd. Iqbal Ansari

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar for the Applicant.
Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 10th AUGUST, 2023.**

P.C.

1. The applicant seeks pre-arrest bail in Crime No. 19 of 2022, registered at Nagpada Police Station for offence under Section 420 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Shahjad Sarvar Hussain Ansari. The facts narrated in the FIR prima facie reveal that the applicant had informed the first informant that he knew some senior officers of Suzuki Company and that he could provide scooters from the show room at discounted rate of 10,000/- to 12,000/- .

Since the first informant was engaged in business of sale of vehicles, he agreed to purchase the vehicles from the applicant and he sent messages to his customers that they could purchase scooters from him at discounted rate. The first informant booked twelve vehicles and paid to the applicant Rs.6,12,000/-. The applicant delivered two vehicles with all documents. Out of the remaining 10 vehicles, the applicant did not give documents in respect of 6 vehicles, gave a false and fabricated registration number in respect of one vehicle and failed to deliver three vehicles.

4. Learned Counsel for the applicant has raised the issue of delay in lodging the FIR. A perusal of the FIR reveals that the friends and family of the applicant were trying to settle the matter. Hence the delay, at this stage is not relevant. Even otherwise, the delay in lodging the FIR can always be explained.

5. Learned APP has placed before me statements of other witnesses, a perusal of which prima facie reveals that apart from the first informant, the applicant has cheated some other victims. He had induced these customers to pay the amount on an assurance of providing the vehicles at discounted rate. The investigation is at preliminary stage. The details of other victims are yet to be ascertained.

6. Considering the nature of the accusation, and the material in support thereof, in my considered view, this is not a fit case to exercise discretion under Section 438 Cr.P.C. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)